

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, MARCH 27, 2001
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Table of Contents

CHRONOLOGY OF THE MEETING:	3
ATTENDANCE DURING THE MEETING:	3
ITEM-1: ROLL CALL	4
ITEM-10: INVOCATION	4
ITEM-20: PLEDGE OF ALLEGIANCE	4
ITEM-30: Approval of Council Minutes.	5
NON-AGENDA COMMENT:	5
COUNCIL COMMENT:	7
ITEM-200: <u>Two</u> actions related to the Third Amendment to the Consultant Agreement for Sorrento Valley Road Improvement Project and Certifying Environmental Impact Report LDR-99-0220.	7
ITEM-201: Fire Hydrant Water Meters with Backflow Devices a One Unit - Award of Contract.	10
ITEM-202: <u>Four</u> actions related to the Final Map of Black Mountain Ranch Unit No. 10.	11
ITEM-203: State Route 56/Camino Ruiz Interchange - Cooperative Agreement with CalTrans.	13
ITEM-204: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.	14

ITEM-330:	Determination of Citywide Vacancy Rate for Residential Rental Units.	15
ITEM-331:	Fay Avenue Realignment.	17
ITEM-332:	Authorize and Transfer \$4.089 Million in North Bay Bond Proceeds to the City for the James Edgar and Jean Hervey Library.	21
ITEM-350:	Settlement of Claims for the Death of Julia Gonzalez Noyola and Injury of Ainee Alejandra Noyola.	22
ITEM-351:	Notice of Completion and Acceptance of Subdivision Improvement Agreement.	23
ITEM-S400:	Nominations to Fill Two Vacancies on the Centre City Development Corporation Board of Directors.	23
ITEM-S401:	<u>Two</u> actions related to Final Subdivision Map of Scripps Gateway Town Homes.	24
ITEM-S402:	<u>Two</u> actions related to Regional Planning Funding Support.	26
NON-DOCKET:	27
ADJOURNMENT:	28

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:05 a.m. The meeting was recessed by Mayor Murphy at 10:56 a.m. to convene the Redevelopment Agency and thereafter convene the Special Joint Council Meeting with the Redevelopment Agency. The meeting was reconvened by Mayor Murphy at 11:22 a.m. with all Council Members present and District 6 vacant. The meeting was recessed by Mayor Murphy at 12:05 p.m.

The meeting was reconvened by Mayor Murphy at 2:06 p.m. with all Council Members present and District 6 vacant. Mayor Murphy recessed the regular meeting at 3:50 p.m. for a break. Mayor Murphy reconvened the regular meeting at 4:00 p.m. with all Council Members present and District 6 vacant. Mayor Murphy adjourned the meeting at 5:25 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) District-vacant
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present
- Clerk-Abdelnour (er/pr)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) District-vacant
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

ITEM-10: INVOCATION

Invocation was given by Datev Tatoulian of Saint John Garabed Armenian Apostolic Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Madaffer.

**Minutes of the Council of the City of San Diego
for the Regular Meeting of Tuesday, March 27, 2001**

Page 5

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

03/05/2001
03/06/2001
03/12/2001 Adjourned
03/13/2001 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A035-040.)

MOTION BY INZUNZA TO APPROVE. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Carolyn Chase regarding Sea World, Draft EIR, and Proposition D.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A049-077.)

PUBLIC COMMENT-2:

Jim Varnadore thanked the Council for their support on the Fox Hollow Apartments item that was before Council last week.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A080-104.)

PUBLIC COMMENT-3: **REFERRED TO THE CITY MANAGER**

Comment by Pepper Rae Coffey regarding power plants in the South Bay.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A108-150.)

PUBLIC COMMENT-4:

Comment by Bob Spellman regarding the De Anza Cove Community.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A180-205.)

PUBLIC COMMENT-5:

Comment by Phil Hart regarding the ballpark financing.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A207-254.)

PUBLIC COMMENT-6:

Comment by Ken Loch regarding promoting a renaissance in the community.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A261-305.)

COUNCIL COMMENT:

None.

ITEM-200: Two actions related to the Third Amendment to the Consultant Agreement for Sorrento Valley Road Improvement Project and Certifying Environmental Impact Report LDR-99-0220.

(See City Manager Report CMR-01-038. Torrey Pines Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-783) NOTED AND FILED

Authorizing the City Manager to execute a third amendment to agreement C-08612 with BRW in the amount of \$650,000 from CIP-52-330.0, Sorrento Valley Road, TransNet fund 30300, for environmental permit acquisition and final design;

Authorizing the expenditure of an amount not to exceed \$758,000 from Fund No. 30300, CIP-52-330.0, Sorrento Valley Road, provided that the City Auditor first furnishes a certificate demonstrating that the funds are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

Subitem-B: (R-2001-795) NOTED AND FILED

Certifying that the information contained in Environmental Impact Report LDR-99-0220, dated November 6, 2000, has been completed in compliance with the California Environmental Quality Act of 1970, and State guidelines, and that said Declaration reflects the independent judgement of the City as Lead Agency and that the information contained, together with any comments received during the

public review process, has been reviewed and considered by the Council in connection with approval of Third Amendment to the Consultant Agreement for Sorrento Valley Road Improvement Project;

Adopting findings made with respect to the project pursuant to California Public Resources Code Section 21081 and California Code of Regulations Section 15091;

Adopting the Statement of Overriding Considerations with respect to the project pursuant to California Code of Regulations Section 15093;

Adopting the Mitigation Monitoring and Reporting Program or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment pursuant to California Public Resources Code Section 21081.6.

Aud. Cert. 2100552.

FILE LOCATION: SUBITEMS A & B: MEET

COUNCIL ACTION: (Tape location: C-144-455; D014-H206.)

MOTION BY PETERS TO NOT ADOPT THE MANAGER'S RECOMMENDATION, AND TO DENY CERTIFICATION OF THE ENVIRONMENTAL REPORT AS PRESENTED. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-nay, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ADDITIONAL BUSINESS: (R-2001-000) ADOPTED AS RESOLUTION R-294697

Adoption of a Resolution giving directions to the City Manager.

MOTION BY PETERS TO DIRECT THE CITY MANAGER TO BRING BACK A PROJECT IN THE SUPPORTING ENVIRONMENTAL DOCUMENTATION FOR COUNCIL TO TAKE THE ACTIONS NECESSARY TO AMEND THE COMMUNITY PLAN TO DELETE THIS ROAD AS PART OF THE TRAFFIC CIRCULATION SYSTEM INCLUDING POSSIBLE VACATION OF THE PUBLIC STREET. TO INCLUDE TWO SPECIFIC DIRECTIONS TO THE CITY MANAGER THAT THE PROJECT BE BROUGHT BACK TO COUNCIL FOR CONSIDERATION WITH THE FOLLOWING TWO OPTIONS REGARDING FUTURE DEVELOPMENT OF THE STREET.

OPTION 1: REDEVELOP THE FORMER STREET PRIMARILY AS A RECREATIONAL AMENITY FOR PEDESTRIANS AND BICYCLES, WITH UNDERSTANDING THAT LIMITED VEHICULAR ACCESS IS NECESSARY FOR EMERGENCIES, AND FOR MAINTENANCE OF CITY AND SDG&E FACILITIES, AND MUST BE ACCOMMODATED IN THE DESIGN TO THE EXTENT NECESSARY.

OPTION 2: REDEVELOP THE FORMER STREET FOR LIMITED ONE-WAY VEHICULAR ACCESS OPEN TO THE PUBLIC DURING DAYLIGHT HOURS SUBJECT TO INTERMITTENT CLOSURE AT THE DIRECTION OF STATE PARK RANGERS IN COMBINATION WITH A TWO WAY PEDESTRIAN AND BICYCLE PATHWAY AS IS FOUND ON FATHER JUNIPERO SERRA TRAIL IN MISSION TRAILS REGIONAL PARK.

DIRECT THE CITY MANAGER TO PROVIDE TO THE COUNCIL A REPORT ON THE FOUR PROJECTS BEING CONSIDERED THAT DIRECTLY AFFECT THE TRANSPORTATION CIRCULATION OF THIS AREA. THOSE ARE VISTA SORRENTO PARKWAY; MIRA SORRENTO PARKWAY; CARROLL CANYON ROAD EXTENSION; AND THE STATUS OF ACCELERATING THE PROJECT STUDY REPORT FOR THE I-5 EXIT OVERPASS THAT WILL PASS OVER THE RAILROAD TRACKS AT ROSELLE STREET.

TO ACCEPT AS REQUESTED BY COUNCIL MEMBER WEAR TO DIRECT STAFF TO WORK WITH COMMUNITY GROUPS TO DEVELOP A VISION AND TO COME UP WITH A MASTER PLAN FOR THE PARK, AND A PLAN FOR HABITAT MANAGEMENT. (THE ENTIRE MASTER PLAN IS A SEPARATE TRACK AND IT WILL NOT COME BACK TO COUNCIL AT THE SAME TIME AS THIS ITEM.) TO DIRECT STAFF TO WORK WITH STATE FUNDING TO IMPLEMENT THE PLAN.

Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-201: Fire Hydrant Water Meters with Backflow Devices as One Unit - Award of Contract.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1254) ADOPTED AS RESOLUTION R-294679

Awarding a contract to Performance Meter, Inc. (Banning, CA) for furnishing high flow fire hydrant water meters with backflow devices as one unit and stands, as may be required for a period of one (1) year beginning March 15, 2001 through March 14, 2002, for a total estimated cost of \$1,158,312.50, including tax and terms;

Authorizing the expenditure of an amount not to exceed \$1,158,312.50 from Fund No. 41500, Department No. 760, Organization No. 2810, Object Account No. 3263, and Job Order No. 006477. (BID-3840-01-S)

CITY MANAGER SUPPORTING INFORMATION:

The proposed contract is for the purchase of fire hydrant meters with backflow devices and stands to be used by the Water Department in implementation of the Fire Hydrant Meter Policy DI 55.27, which was approved by City Council on July 18, 2000. Twenty-three (23) potential bidders were contacted, and bids were received from four bidders. The low bid of ABB Water Meters, Inc. (Ocala, FL) was rejected as non-responsive because their meters did not meet minimum specifications. It is recommended that the contract be awarded to the low bidder meeting specifications, Performance Meter, Inc. (Banning, CA).

FISCAL IMPACT:

The estimated expenditure for FY01 is based upon the estimated usage for the balance of FY01. For FY02, the estimated expenditure is based upon the estimated usage for the period of July 1, 2001 through the end of the contract period.

FY01:	\$ 386,104.17 (including sales tax) estimated expenditure
FY02:	\$ <u>772,208.33</u> (including sales tax) estimated expenditure
	\$1,158,312.50

Loveland/Baldwin/AS

Aud. Cert. 2100983.

FILE LOCATION: PURCHASE

COUNCIL ACTION: (Tape location: C084-094.)

MOTION BY PETERS TO ADOPT. Second by Atkins. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, District 6-vacant,
Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-202: Four actions related to the Final Map of Black Mountain Ranch Unit No. 10.

(Black Mountain Ranch Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-1225) ADOPTED AS RESOLUTION R-294680

Authorizing the execution of a Subdivision Improvement Agreement with
Santaluz, LLC, for the installation and completion of certain public
improvements.

Subitem-B: (R-2001-1224) ADOPTED AS RESOLUTION R-294681

Approving the final map.

Subitem-C: (R-2001-1226) ADOPTED AS RESOLUTION R-294682

Approving the acceptance of a grant deed of Santaluz, LLC, executed in favor of
the City of San Diego, granting to the City Lot "C" of Black Mountain Ranch Unit
10 to be used for open space purposes.

Subitem-D: (R-2001-1227) ADOPTED AS RESOLUTION R-294683

Authorizing the execution of a Landscape Maintenance Agreement with Santaluz, LLC, to assure maintenance of landscaping in the subdivision.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 57.509 acre site into 9 lots for residential development plus Lots "A", "B", "C" and "D". It is located easterly of El Camino Real, northerly of Del Mar Heights Road in Black Mountain Ranch Subarea I Plan area. On October 31, 1995 the Council of the City of San Diego approved City Council Resolution No. R-286502 for Black Mountain Ranch TM-95-0173.

The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. The public improvements and landscaping required for this subdivision are shown in detail on Drawing Numbers 30430-1-D - 30430-10-D and 30922-1-D through 30922-36-D respectively, filed in the Office of the City Clerk on February 2, 2001 under Micro Numbers 140.82 and 140.83. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$2,131,328 and the cost of the landscaping and irrigation is \$264,524. Performance Bonds in those amounts have been provided as surety. A cash bond in the amount of \$15,000, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development". As a condition of TM-95-0173, subdivider is entering into a Landscape Maintenance Agreement, agreeing to maintain all landscaping and appurtenances thereto within the City right-of-way adjacent to this subdivision, until another mechanism is established and assumes maintenance responsibility. Lot "C" is being deeded to the City at no cost. The lot totals 0.829 acre in size. No park fee credit is being granted by this action. The lot is to be used for open space purposes. This subdivision is located in the Black Mountain Ranch Public Facilities Financing Plan area, which provides for the payment of a Facilities Benefits Assessment (FBA), including parks, at the time of building permit issuance. This project is estimated to generate 840 daily trips (ADT) external to the Future Urbanizing Area. 400 of these trips are estimated to occur on Interstate 5, which has an estimated near-term volume of 253,777 ADT. Caltrans is planning to widen Interstate 5 to provide 10 additional lanes south of State Route 56. The proposed Black Mountain Ranch is required to contribute \$8 million for the widening of State Route 56 from 4 to 6 lanes, and \$6.1 million for the widening of Interstate 15 by an additional 4 lanes.

FISCAL IMPACT:

None.

Loveland/Haase/GB

FILE LOCATION: SUBITEMS A, B, D: SUBD - Black Mountain Ranch Unit
No. 10 (40)
SUBITEM C: DEED F-7986

COUNCIL ACTION: (Tape location: C095-106.)

MOTION BY PETERS TO ADOPT. Second by Atkins. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, District 6-vacant,
Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-203: State Route 56/Camino Ruiz Interchange - Cooperative Agreement with CalTrans.
(Torrey Highlands Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1264) ADOPTED AS RESOLUTION R-294684

Authorizing the City Manager to execute a cooperative agreement with the California Department of Transportation, for the completion of the Camino Ruiz/State Route 56 interchange, together with any reasonably necessary modifications or amendments which do not increase the project scope or cost and which the City Manager shall deem necessary from time to time in order to carry out the purposes and intent of the project and agreement.

CITY MANAGER SUPPORTING INFORMATION:

In December 2000, the City Council directed the City Manager to take the actions necessary with applicable property owners to construct the east half of the Camino Ruiz/State Route 56 Interchange concurrent with the current State Route 56 - Phase 1 project. This would provide that "through" traffic would not be compelled to utilize City streets and instead use the Phase 1 portion of State Route 56 upon its completion.

This action will direct the City Manager to execute a Cooperative Agreement with CalTrans in order for them to administer the construction portion of this interchange.

FISCAL IMPACT:

None to the City. All costs are being funded by the property owners in the Torrey Highlands Community (per an earlier executed agreement).

Loveland/Belock/PB

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C127-141.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-204: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2001-1147) ADOPTED AS RESOLUTION R-294685

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L - State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico

COUNCIL ACTION: (Tape location: C107-126.)

MOTION BY PETERS TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-330: Determination of Citywide Vacancy Rate for Residential Rental Units.

Matter of the determination of the Citywide Apartment Vacancy Rate for residential rental units. This determination is required by Municipal Code Section 141.0302 "Conditional Use Permits for Companion Units." If the vacancy rate is determined to be less than five percent, the City will continue to accept Conditional Use Permit applications for companion units for one year. Council must take action prior to April 1, 2001.

(Community Plan area-All. District-Citywide.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1218) ADOPTED AS RESOLUTION R-294686

Adoption of a Resolution determining that the Citywide average vacancy rate for residential rental units in The City of San Diego is below five percent for the calendar year 2000;

that pursuant to the above determination and the provisions of the San Diego Municipal Code Section 141.0302, the regulations contained in Section 141.0302 will become effective from April 1, 2001 to April 1, 2002.

OTHER RECOMMENDATIONS:

Planning Commission on March 1, 2001, voted 4 - 0 to recommend approval; no opposition.

Ayes: Butler, Steele, Anderson, Brown
Not present: Garcia, Stryker, Skorepa

This is a matter of City-wide effect. The Community Planners Committee is scheduled to hear this matter as an information item on February 27, 2001.

SUPPORTING INFORMATION:

Every year the City Council is required to determine whether the average annual vacancy rate for residential rental units during the previous calendar year was greater or less than five percent. This determination is required by Municipal Code 141.0302 "Conditional Use Permit for Companion Units."

If the vacancy rate is determined to be above five percent, the City will not accept applications for companion units for one year. If the vacancy rate is determined to be below five percent, the City will accept applications for companion units for one year.

The average annual vacancy rate for residential rental units has been determined to be below five percent for calendar year 2000, based on analysis of published surveys.

The Planning Commission is scheduled to hear this item on March 1, 2001. The results of this discussion will be presented at the City Council hearing.

FISCAL IMPACT:

None.

Ewell/Goldberg/JP

NOTE: This activity is exempt from CEQA pursuant to Section 15061 (b)(3) of the State CEQA Guidelines.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B623-687.)

Hearing began at 11:30 a.m. and halted at 11:32 a.m.

MOTION BY ATKINS TO ADOPT. Second by Wear. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, District 6-vacant,
Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-331: Fay Avenue Realignment.

Matter of approving, conditionally approving, modifying or denying an application for the Execution of a Participation Agreement with the La Jolla High School Expansion Foundation, a non profit entity, for the realignment of Fay Avenue; approving the plans and specifications for the realignment of Fay Avenue; Certifying Mitigated Negative Declaration No. 40-0692; adopting the Mitigation Monitoring and Reporting Program No. 40-0692. The temporary closure of Fay Avenue, from June 2001 to September 2001, for the purposes of constructing the Fay Avenue Realignment Project; grading, landscaping, retaining walls and the installation of approximately 2,400 linear feet of new water mains, 423 linear feet of new sewer pipeline, 926 linear feet of storm drain pipe and bike lanes. The site is located along Fay Avenue between West Muirlands Drive and Nautilus Street in the La Jolla Community Plan area.

(40-0692. La Jolla Community Plan area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions in subitems A, B, and C:

Subitem-A: (R-2001-1267 Cor. Copy) ADOPTED AS RESOLUTION R-294687

Adoption of a Resolution authorizing and empowering the City Manager to negotiate and execute a Participation Agreement with the La Jolla High School Facilities Expansion Foundation, a non profit entity, and the San Diego Unified School District, for the realignment of Fay Avenue, under the terms and conditions set forth in the Agreement;

Authorizing and empowering the City Manager to negotiate and execute an agreement with the San Diego Unified School District, for an exchange of property for the Fay Avenue Realignment [Agreement], and execute all documents necessary for that exchange, under the terms and conditions set forth in the Participation Agreement, provided that an environmental review is completed prior to executing this Agreement and the City Auditor certifies the availability of any funds required prior to the execution of this Agreement;

Amending the Fiscal Year Capital Improvement Budget, by adding CIP-52-690.0, Fay Avenue Realignment;

Authorizing the City Auditor and Comptroller to deappropriate \$150,000, from Fund No. 30300, CIP-52-583.0, La Jolla Shores/Torrey Pines Road/Ardath Road/Hidden Valley Road, and appropriate \$150,000 to CIP-52-690.0, Fay Avenue Realignment;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$150,000, from Fund No. 30300, CIP-52-690.0, Fay Avenue Realignment, for the purposes of the storm drain and roadway construction City obligations of the Participation Agreement;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$138,750, from Fund No. 41506, CIP-44-001.0, Annual Allocation for Sewer Mains, for the purpose of the sewer construction, engineering and related City obligations of the Participation Agreement;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$691,200, from Fund No. 41500, CIP-70-953.0, Torrey Pines Road/La Jolla Boulevard Main Replacement, for the purpose of the water construction, engineering and related City obligations of the Participation Agreement;

Approving the temporary closure of Fay Avenue, from June 2001 to September 2001, for the purposes of constructing the Fay Avenue Realignment Project.

Subitem-B: (R-2001-1266) ADOPTED AS RESOLUTION R-294688

Adoption of a Resolution approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental for the Fay Avenue Realignment project.

Subitem-C: (R-2001-1265) ADOPTED AS RESOLUTION R-294689

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration LDR-40-0692, dated March 12, 2001 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that said MND reflects the independent judgment of The City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of Fay Avenue Realignment Project;

That the Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Mitigated Negative Declaration, is hereby approved;

and that pursuant to California Public Resources Code section 21081.6, the Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment.

SUPPORTING INFORMATION:

In 1997, members of the La Jolla community began investigating the possibility of constructing an aquatic center on the La Jolla High School Campus to provide a venue for aquatic education and competition for the students as well as public pool access for the community. For this purpose, the Aquatic Center Committee has created a non-profit organization, The La Jolla High School Facilities Expansion Foundation, to raise funds for the project. During this investigation, it was discovered that Fay Avenue would have to be re-aligned from West Muirlands to Nautilus Avenue to provide the necessary area for the facility. The Foundation then requested that the City perform a preliminary design study for this work. The concept for the project was presented to the La Jolla Community Planning Association and approved.

In January 2000, the San Diego Unified School District (SDUSD) voted to support the negotiation of a Joint Use agreement with the City for this facility. This study was completed and presented to the Rules Committee in February 2000. At this meeting, the Rules Committee

directed the City Manager to negotiate a joint use agreement with the District. During these negotiations, the Foundation offered to manage the proposed facility without maintenance funding from either the District or the City. For this reason, the Joint Use agreement was no longer required. Therefore, City staff began negotiations with the Foundation for this participation agreement and the design of the re-alignment of Fay Avenue.

During the design, it was discovered that an undersized City storm drain would have to be upgraded during its relocation. In addition, the Water and Metropolitan Wastewater Departments had planned work in the same area to replace aging pipelines and requested that this work be included in the project to eliminate future disturbance of the new road. For these reasons, the Foundation requested that a Participation Agreement be developed to reimburse them for their construction of these new facilities. As part of this agreement, City staff has completed the design for the Fay Avenue Realignment. This project will provide upgraded roadway and storm drain facilities including improved drainage, dedicated right turn lane, traffic signal, street lights, pedestrian ramps, bike lanes, a raised median, retaining wall, additional on-street parking, street trees, landscaping, and a dedicated student drop-off area. In order to minimize the impact to school traffic, the phased traffic control plan allows for only a partial closure of Fay Avenue until the summer break and requires the restoration of the complete roadway before the school begins again in September. To allow for this accelerated schedule, it is necessary to obtain a waiver from presentation to the Planning Commission.

FISCAL IMPACT:

The total City obligations for this agreement are \$979,950. Funding for the storm drain obligations in the amount of \$150,000 are available in the Ardath Road/Torrey Pines/La Jolla Shores project (CIP-52-583.0) and are anticipated to be replaced as part of the FY 2002 DIF funding proposal. Funding for the Sewer (\$138,750) and Water (\$691,200) obligations are available from the Annual Allocation for Sewer Mains (CIP-44-001.0) and the Torrey Pines Road/La Jolla Boulevard Main Replacement (CIP-70-953.0), respectively.

Loveland/Belock/PB

Aud. Cert. 2100991.

LEGAL DESCRIPTION:

The work would be located within Fay Avenue, Nautilus Street, Westbourne Street, and Draper Avenue, in the La Jolla Community Plan area.

FILE LOCATION: SUBITEMS A, B, C: MEET

COUNCIL ACTION: (Tape location: B475-608.)

Hearing began at 11:22 a.m. and halted at 11:29 a.m.

MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant,
Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-332: Authorize and Transfer \$4.089 Million in North Bay Bond Proceeds to the City
for the James Edgar and Jean Hervey Library.

(Continued from the meeting of 3/6/2001, Item 333, at the request of the City
Manager for re-noticing due to a different dollar amount.)

(See City Manager Report CMR-01-043. Peninsula/Point Loma Community
Areas. Districts-2 and 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1166) ADOPTED AS RESOLUTION R-294690

Approving a cooperation agreement with the Redevelopment Agency of the City
of San Diego for the construction of the Point Loma Branch Library in the North
Bay Redevelopment project area; making certain findings with respect thereto;
stating for the record that the Environmental Impact Report prepared by the City
of San Diego (SCH No. 97091022) dated May 4, 1998, and certified by City
Council, has been reviewed and considered prior to approval of the Library, and
directing the City Clerk to file a Notice of Determination; and authorizing
acceptance and expenditure of \$4.089 million of Redevelopment Agency funds
from the Capital Improvements Program Budget for the Point Loma Library
expansion (CIP-350670).

NOTE: Hearing Open. No testimony taken on 3/6/2001.

NOTE: See the Redevelopment Agency Agenda of March 27, 2001 for a companion item.

FILE LOCATION: MEET (66)

COUNCIL ACTION: (Tape location: A420-B096.)

Hearing began at 10:38 a.m. and halted at 10:55 a.m.

Testimony in opposition by Kathleen Blavatt.

MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action.

ITEM-350: Settlement of Claims for the Death of Julia Gonzalez Noyola and Injury of Ainee Alejandra Noyola.

(R-2001-1171)

Adopted as Resolution R-294575.

A Resolution approved by the City Council in Closed Session on Tuesday, February 20, 2001, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-yea; District 6-vacant; Madaffer-yea; District 8-vacant; and Mayor-yea.

Authorizing the City Manager to pay the total sum of \$50,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the death of Julia Gonzalez Noyola and the injuries sustained by Ainee Alejandra Noyola in an automobile accident that occurred on San Ysidro Boulevard in the

City of San Diego on May 7, 1999 (Superior Court Case No. GIC 747458, Noyola-Gonzalez, et al v. City of San Diego);

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$50,000 made payable to the E. Bruce Menzies Trust Account in full settlement of the lawsuit and all claims.

Aud. Cert. 2100893.

NOTE: This item is placed on a Council Docket, so that the official and public record will reflect the adoption of this resolution. It does not require any further council action.

ITEM-351: Notice of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the City Manager of the City of San Diego intends to file a "Notice of Completion and Acceptance of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivisions:

SUBDIVISION

Westview Unit No. 7
Westview Unit No. 8

COMMUNITY AREA

Mira Mesa Community
Mira Mesa Community

The certification shall be recorded 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director or Planning and Development Review or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

ITEM-S400: Nominations to Fill Two Vacancies on the Centre City Development Corporation Board of Directors.

(See memorandum from Mayor Murphy dated 3/12/2001.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1262) ADOPTED AS RESOLUTION R-294691

Nominating for election to the Centre City Development Corporation Board of Directors:

NOMINEE

NOMINATED BY

Robert P. Ito (General Business)
Harold G. Sadler (Architect)

Mayor Dick Murphy
Mayor Dick Murphy

Declaring that Robert P. Ito and Harold G. Sadler are elected to the Centre City Development Corporation Board of Directors, to replace Ed M. Bacani and George Lattimer, respectively, both of whom have resigned, for the unexpired terms ending May 1, 2001.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A348-416.)

MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S401: Two actions related to Final Subdivision Map of Scripps Gateway Town Homes.

(Miramar Ranch North Plan Community Area. District-5.)

(Continued from the meeting of March 19, 2001, Item S403, at Councilmember Maienschein's request, to allow more time to review the item.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-1260) ADOPTED AS RESOLUTION R-294692

Authorizing the City Manager to execute a Subdivision Improvement Agreement with Shea Homes, Inc., for the installation and completion of certain public improvements.

Subitem-B: (R-2001-1200) ADOPTED AS RESOLUTION R-294693

Approving the final map.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 10.544 acre site into 2 lots for residential development of 135 townhome units. It is located north of Scripps Poway Parkway and westerly of Spring Canyon Road in the Miramar Ranch North Community Plan area. On May 11, 2000 the Planning Commission of the City of San Diego approved Tentative Map No. 99-0817 for the Scripps Gateway Town Homes project by Planning Commission Resolution No. 2960-3-PC. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. The public improvements required for this subdivision are shown in detail on Drawing Number 30574-1-D to 30574-2-D, filed in the Office of the City Clerk on February 27, 2001 under Micro Number 140.85. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$33,259.00 and a Performance Bond in that amount has been provided as surety. The survey monuments are existing, so there is no bond required for the setting of survey monuments. Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development". This subdivision is located in the Miramar Ranch North Community Plan Area, which has a Development Agreement in effect which provides for the financing of public facilities, including parks. This project is estimated to generate 1,080 average daily trips (ADT). 270 of these trips are estimated to occur on the nearby Interstate 15, which has an estimated volume of 276,270 ADT. CalTrans is planning to widen Interstate 15 to provide additional lanes in the vicinity of this project.

FISCAL IMPACT:

None.

Loveland/Haase/GB

FILE LOCATION: SUBITEMS A & B: SUBD - Scripps Gateway Town
Homes (40)

COUNCIL ACTION: (Tape location: C052-070.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S402: Two actions related to Regional Planning Funding Support.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-1237) ADOPTED AS RESOLUTION R-294694

Authorizing the reprogramming of \$50,000 from Council District 2 Discretionary CDBG funds (18536/4227/2702/000001) to CIP-29-477.0 (Presidio Park Master Plan);

Authoring the transfer and expenditure of \$50,000 in General Funds from CIP-29-477.0 (Presidio Park Master Plan) to the Planning Department General Fund budget (100/065/2002/4222) to support the Regional Government Efficiency Commission;

Authorizing a \$50,000 increase in the Planning Department's General Fund budget;

Authorizing the City to accept any funding support from other organizations, including the State of California or corporate sponsors to support the City's regional governance efforts.

Subitem-B: (O-2001-131) HEARING HELD, SECOND HEARING TO BE HEARD
ON MONDAY, APRIL 2, 2001

First public hearing in the matter of amending Ordinance O-18827 adopting the annual budget for the fiscal year 2000-2001 and appropriating the necessary money to operate the City of San Diego for the fiscal year by increasing the Planning Department's General Fund budget by \$50,000.

NOTE: This ordinance will take effect immediately upon its passage after 2 public hearings pursuant to sections 16, 17, and 71 of the City Charter.

CITY MANAGER SUPPORTING INFORMATION:

In his 2001 State of the City address, Mayor Dick Murphy outlined ten goals to improve the state of the City in the next four years. Goal five addressed restructuring of regional government. The proposed funding transfer will allow staff to support current efforts to develop a more efficient and effective form of regional governance.

FISCAL IMPACT:

This action would make \$50,000 available to the Planning Department to support ongoing regional governance efforts.

Ewell/Goldberg/DVB

Aud. Cert. 2101016.

FILE LOCATION:

SUBITEM A: MEET

SUBITEM B: NONE

COUNCIL ACTION:

(Tape location: C071-075.)

MOTION BY WEAR TO ADOPT THE RESOLUTION AND APPROVE THE HEARING. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 5:25 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: H206.)